

I am glad to see Judge Dorsey in the chamber, because I am finally going to quote Thomas Jefferson. It was he, you will recall, who stated at one time, discussing the amount of power in the departments, who said:

"Free government is founded in jealousy and not confidence; it is jealousy and not confidence which prescribes limited constitutions, to bind down those whom we are obliged to trust with power."

I can go to the constitutional authority, Niles, which is the only real interpreter of the Constitution of Maryland —

THE CHAIRMAN: Your time has expired, Delegate Gleason.

DELEGATE GLEASON: Just on that, the Scanlan magic, even though he has faced the difficulties in this one, succeeded on this amendment. It is an extremely important provision in this constitution.

THE CHAIRMAN: Is there any further discussion? Does any other delegate desire to speak in favor of the amendment? Does anyone desire to speak against?

*(There was no response.)*

Are you ready for the question?

*(Call for the question.)*

The Clerk will ring the quorum bell.

Delegate Willoner.

DELEGATE WILLONER: Just one thing: This language has never been construed by the Maryland Court of Appeals, because the language is changed from the present Constitution. The "ought" has been changed to "shall."

THE CHAIRMAN: Delegate Dorsey.

DELEGATE DORSEY: Now that my good friend from Montgomery County is talking like a Jeffersonian, I want to say I am 100 percent with him.

THE CHAIRMAN: The question arises on the adoption of Amendment No. 3 to Committee Recommendation R&P-2.

A vote Aye is a vote in favor of Amendment No. 3. A vote No is a vote against.

Cast your vote.

Has every delegate voted? Does any delegate desire to change his vote?

*(There was no response.)*

The Clerk will record the vote.

There being 67 votes in the affirmative and 49 in the negative, the motion carries. The amendment is adopted.

Are there any other amendments to section 3? The Chair hears none.

We will proceed to a consideration of section 4.

Delegate Scanlan, do you desire to offer your amendment P?

DELEGATE SCANLAN: Well, four is a hard point to make in dice, but we will give it a try.

THE CHAIRMAN: The pages will distribute Amendment P.

This will be Amendment 4. The Clerk will read the amendment.

READING CLERK: Amendment No. 4 to Committee Recommendation R&P-2, by Delegates Scanlan and Moser: On page 2, section 4, Suspension of Laws, strike out all of lines 13 through 17, inclusive.

THE CHAIRMAN: The amendment having been offered by Delegate Scanlan and seconded by Delegate Moser, the Chair recognizes Delegate Scanlan to speak to the amendment.

DELEGATE SCANLAN: Briefly, Mr. Chairman, fellow delegates, again we have in section 4 a provision that has had perhaps some historical justification for its insertion in the Constitution of 1867. I am not entirely sure, but I believe that some of the actions of a pro-Union government during the time when the State of Maryland was occupied by the Federal troops probably explains the specific prohibitions against the misuse of executive power by suspending laws.

I think it is perfectly clear that in a constitution which vests the legislative power entirely in the legislature except as specifically prescribed in the constitution, such as the governor's pardon and veto, etc., that under such provisions of that type a constitution is unnecessary to have a specific prohibition of this sort; that if a governor tried to suspend the law he obviously would exceed his executive authority, and it would be struck down by our courts.

I believe some people that favor retention of language such as found in section 4 allude to the example of Huey Long in his day. Perhaps a more recent southern governor may furnish another example, but at least, so far as Huey Long was concerned, his suspension of the laws was undertaken pursuant to authorities specifically vested in